

REMARKS

Upon entry of the instant amendment, claims 1-18 are pending. Claims 1, 7, and 13 have been amended to more particularly point out Applicants' invention. Applicants gratefully acknowledge that claims 15-17 were indicated to be allowed. Claim 15 has been amended to restore its form when allowed in the previous Official Action. Applicants respectfully submit that it remains allowable. Claim 18 has been amended to depend from claim 15 and should likewise be allowable.

Claims 1, 4, 7-9, and 13 have been rejected under 35 U.S.C. §102(e) as being anticipated by Miloslavsky et al., U.S. Patent No. 6,175,564 B1 ("Miloslavsky"). In order for there to be anticipation, each and every element of the claimed invention must be present in a single prior reference. Applicants respectfully submit that the claimed invention is not taught, suggested, or implied by Miloslavsky. As discussed in response to previous Official Actions, an aspect of the present invention is to provide one or more queues which function as callable entities and which may be specified as callable aliases by endpoints in an IP telephony system. Thus, if the endpoint is busy, the call can be forwarded to its alias queue by the endpoint until such time as the endpoint is not busy. For example, the endpoint that uses queueing merely need employ a "forward on busy" telephone function to have the call forwarded to the assigned queue. Thus, claim 1 has been amended to recite "a queue server implementing one or more queues, coupled to said packet switched network, said one or more queues configured to receive forwarded calls from said one or more telephony devices responsive to a request from said one or more telephony devices and said forward on busy capability and to forward said calls back to said one or more telephony devices when one or more predetermined conditions have been met, as determined by said queue server;" claim 7 has been amended to recite "transferring said second call to a queue responsive to a request by said telephony device and implementing said forward on busy capability;" and claim 13 has been amended to recite "wherein said one or more second callable network entities are defined as queues for temporary

holding of calls for said one or more first callable network entities while said one or more first callable network entities are processing other calls responsive to a request from said one or more first callable network entities."

In contrast, as discussed in response to the previous Official Action, Miloslavsky appears to relate merely to a server having a queue buffer. Rather than an endpoint requesting a queue transfer, as generally recited in the claims at issue, the server appears to intercept calls and route them to a queue if necessary. Thus, the server itself affirmatively acts to perform the queueing, instead of queueing in response to a forward on busy request from the endpoint, as generally recited in the claims at issue. Thus, Miloslavsky appears representative of the problem solved by the present invention, which allows for simple and effective handling of busy calls. The Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claim 10 was rejected under 35 U.S.C. 103 as being unpatentable over Miloslavsky. Claim 10 depends from claim 7, which has been discussed above. Since Miloslavsky does not teach, suggest, or imply the invention of the independent claim, Applicants respectfully submit that it likewise does not teach, suggest, or imply the invention of the dependent claim. As such, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims.

Claims 2-3, 5-6, 11-12, and 14 and 18 have been rejected under 35 U.S.C. 103 as being unpatentable over Miloslavsky in view of Naudus, U.S. Patent No. 6,25,691 ("Naudus"). Miloslavsky has been discussed above. Naudus is relied on for merely teaching an H.323 gatekeeper. However, like Miloslavsky, Naudus does not appear to teach, suggest, or imply the invention of the independent claim(s). As such, the Examiner is respectfully requested to reconsider and withdraw the rejection.

For all of the above reasons, Applicants respectfully submit that the application is in condition for allowance, which allowance is earnestly solicited.

Respectfully requested,

SIEMENS CORPORATION

By: 

David D. Chung
Registration No.: 38,409
Attorney for Applicant(s)
Tel.: 650-694-5339
Fax: 650-968-4517

Date: 12 Nov. 03

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830
ATTENTION: Elsa Keller, Legal Department
Telephone: (732) 321-3026